Remarks

In view of the amendments and remarks made herein, Applicant respectfully requests allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the July 13, 2004 Office Action.

Claim Rejections

Claims 1 – 17 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,526,581, issued to *Edson*. Applicant traverses these rejections for at least the following reasons, and respectfully requests that the rejections be reconsidered and withdrawn.

Before discussing each of the claim rejections in detail, a general discussion of *Edson* and the present application is provided. The present application describes implementations in which a non-dedicated remote controller controls a device through a computer facilitator. The computer facilitator provides a user interface (UI) to the remote controller that includes codes that the user can select to control the device. The computer facilitator receives the user-selected codes and translates them into commands understood by the controlled device. Because the facilitator assists the non-dedicated remote controller in controlling the device, neither the remote controller nor the controlled device need have any awareness of the other, or any knowledge as to how to communicate with one another.

By contrast, *Edson* describes a system for enabling in-home communications between devices. A gateway provides communications functions, such as network interfacing, security, and message routing. A computer can be used to cause data, such as software downloads, to be communicated to device interfaces. *Edson's* system is concerned with facilitating communication (e.g., protocol, communication messages, routing) between devices on the network, and not translating user-selected control data into commands understood by a controlled device.

Turning to the claims, claim 1 is reproduced here:

> Claim 1. A remote controlled system comprising:
>
> a remote controller; and
>
> a general-purpose computer coupled to communicate with the remote controller and a controlled device to facilitate remote control of the controlled device by the remote controller.

Claim 1 is directed to a remote controller and a general-purpose computer coupled to the remote controller to facilitate remote control of a controlled device. The Office asserts that the elements of claim 1 are shown in *Edson's* Abstract, Figures 1-2, and column 3, lines 46-59. Figure 1 illustrates *Edson's* in-home network that includes a gateway that enables devices to communicate over the in-home network and to access external communication resources. Figure 1 also

illustrates a computer and other devices coupled to a gateway so that the devices and communicate via the gateway. Figure 1 does not show a remote controller coupled to a general-purpose computer.

Figure 2 illustrates *Edson's* gateway. The gateway provides communication functions, such as routing, firewall protection, and protocol interfacing between different types of networks. For example, the gateway includes specialized application programs, to provide enhanced features, such as an arbitrage service for least cost routing of IP-Telephony services. See *Edson* at col. 9, lines 15-32. Therefore, the gateway is not a general-purpose computer, but rather a specialized system for enabling communications between devices on the network.

Edson's Abstract is reproduced here:

> "The present invention utilizes a gateway providing an open software interface to control in-home communications and to enable in-home devices of various divergent technologies to selectively access external communication features. An in-home communication network utilizes any one or more of several available in-home digital networking media to connect the gateway to device interfaces. The gateway comprises interfaces to a plurality of external communication networks, and one or more in-home communication media, a router coupled to the various interfaces and a controller. Each device specific accessing the in-home network connects to media through a device interface. There will be different interfaces for enabling access by different types of customer premises devices. Each device interface provides physical access to the media as well as functional interfacing, to enable operation with the particular type of customer premises device. All of the device specific interfaces implement a standard software referred to as a common application program interface (API) interface, to enable communication over the

media and accessing of in-home and/or external communication services through the gateway."

The foregoing abstract merely describes *Edson's* communication system. The gateway controls communications between devices over a physical media. A common API enables communication over the media. However, the foregoing passage does not describe a remote controller or a general-purpose computer coupled to a remote controller to facilitate remote control of a controlled device by a remote controller.

Column 3, lines 46-59 of *Edson* is reproduced here:

> "Hence, each device specific interface includes a physical media interface for coupling to the internal network media and a common application program interface for controlling communication through the physical media interface. The processor of the gateway executes a software program to perform routing control in a manner that is compatible with the control of communication by the application program interface. All of the device specific interfaces utilize this common application program interface. The different types of device interfaces, that is to say for connection of different devices, have different physical interfaces for coupling to the actual devices. Each different device specific interface also has an application program, which is specific to the type of connected device, but is compatible with the common API."

The foregoing passage again merely describes *Edson's* communication system. For example, the gateway performs routing services. Each device includes an interface for coupling to physical media for communicating via the physical media. The foregoing does not describe a general-purpose computer coupled to a remote controller to facilitate remote control of a controlled device.

Claim 2 depends from claim 1 and is therefore believed to be allowable for at least the same reasons as claim 1.

Turning to claim 3, claim 3 is shown here:

Claim 3 A remote controlled system of claim 1, wherein the remote controller is embodied as a cellular phone.

In the rejection of claim 3, the Office relies on *Edson's* Figures 1-4, column 4 lines 36-50, and column 7, line 44 through column 8 line 11. Nowhere in Figures 1-4 does *Edson* show a cellular telephone or a cellular network. Figure 1 shows a CATV network, an X-LINK, and an ADSL network, but no cellular network. Figures 1 and 4 show a traditional analog telephone connecting to RJ-11 connectors to provide communication over a Plain Old Telephone Service (POTS). Therefore, *Edson* does not disclose a cellular telephone.

Furthermore, *Edson's* telephone does not embody a remote controller. Column 4, lines 36-50 of *Edson* are reproduced and discussed here:

> "The in-home media and associated device specific interfaces enable connection of virtually any electrical or electronic device within the premises to the network. In this manner, telephones, computers and peripherals, appliances, alarm systems and video and audio entertainment systems all can communicate via a unified in-home network. Also, any or all of these in-home devices may communicate with external systems, via the interfaces to the public networks provided through the gateway.
>
> Other aspects of invention relate to the program code software of the gateway and/or the device specific interfaces, as may be carried on or installed in one or more computer readable

mediums. The program code is for use in a system for providing data communications within a premises and data communications access to wide area network links."

The foregoing passage merely indicates that the gateway provides programming and interfaces to enable in-home devices to access an in-home network or external network. The foregoing passage does not disclose a cellular phone embodying a remote controller to control a device.

Column 7, line 44 through column 8, line 11 is reproduced here:

"An appropriate control device 41C controls appliances, such as 41. The control device 41C may send appliance status information or alarms and/or receive control command codes via the network 11. Video devices, such as the TV 42 and/or a VCR (not shown) also send and/or receive digital signals via the network 11. It is also envisioned that the user will have one or more personal computers (PCs) 43 coupled to the network. The PC preferably provides a user interface to allow monitoring and control of other devices on the network 11 and provides a terminal for the user interface to the gateway 13. Devices such as appliance control 41C, TV 42 and PC 43 may connect to the first media 21, or as shown, they may connect to a second available media, such as the power line 23.

In accord with the invention, each device connects to one of the physical in-home media 21 or 23 through a device interface D. Looking toward the network side, each such device interface provides a physical connection to the network media 21 or 23 and two-way digital communication over the media, in accord with the standard protocol utilized on that media. For example, the D1 interfaces 311, 312, 313, 314 implement an HPNA (Home Phoneline Network Alliance) standard interface protocol for digital communication over the twisted wire pair 21. The D2 interfaces 321, 322, 323 implement one of the available protocols for carrier communication over the power line 23.

Each device interface also implements a standard, open application program interface (API), for communications with the gateway 13. Essentially, the API implements a predetermined set of

> communication functions and messages, for use in communications over the media with the gateway 13. The API also implements a standard set of function calls and response messages, for interfacing through a higher level application and appropriate hardware to a connected device."

The foregoing passage merely discloses a gateway that enables devices on one or more networks to communicate. The gateway includes communication functions, protocols and interfaces to connect one or more networks. The foregoing passage does not disclose a cellular phone embodying a remote controller to control a device. Indeed, the above portions of *Edson*, as well as the remainder of *Edson*, do not even disclose a cellular phone.

For at least the foregoing reasons, *Edson* fails to disclose all of the elements of claim 3. Claim 3 is therefore believed to be allowable.

Claims 4-8 each depend in some form from claim 1. Therefore, claims 4-8 are believed to be allowable for at least the same reasons as claim 1. In addition, each of claims 4-8 recites its own limitations that further distinguish it from *Edson*.

Claim 9 is reproduced here:

> Claim 9. A remote controlled system of claim 1, further comprising an application program stored and executed on the general-purpose computer, the application program directing the computer to provide UI information to the remote controller that

may be used by a user to enter control data for controlling the controlled device and to translate the control data received from the remote controller into commands that are sent to the second device to effectuate an action intended by the user.

Claim 9 recites, in part, an application program directing the computer to provide UI information to the remote controller that may be used by a user to enter control data for controlling the controlled device. Applicants have thoroughly reviewed *Edson* and have found no discussion of an application program directing a computer to provide UI information to a remote controller.

Furthermore, claim 9 recites control data for controlling the device and translating the control data from the remote controller into commands that effectuate an action intended by the user. Applicants have thoroughly reviewed *Edson* and have found no discussion of control data for controlling the device or translating the control data from a remote controller into commands that effectuate an action intended by the user.

In support of its rejection of claim 9, the Office cites *Edson* at column 4, lines 45-59, and column 9, lines 15-32, which are reproduced here:

> "Other aspects of invention relate to the program code software of the gateway and/or the device specific interfaces, as may be carried on or installed in one or more computer readable mediums. The program code is for use in a system for providing data communications within a premises and data communications access

> to wide area network links. The executable code includes two modules or programs, one for a central processing unit of the gateway the other for the device specific interfaces. The programming for the central processing unit controls the data communications within the premises and the data communications access to the wide area network links. The programming for the central processing unit implements these control functions in a manner compatible with a predetermined application program interface." (emphasis added).
>
> "The programming 109 for the CPU 105 implements an operating system (OS), API software logically complimenting an application program interface implemented in the device specific interfaces D and an application for controlling the communication functions through the network 11. The gateway will also execute specific applications for certain services, such as IP-Telephony through the Internet, web access, etc. The CPU may also execute certain specialized application programs, to provide enhanced features, such as an arbitrage service for least cost routing of IP-Telephony services. The software of the gateway 13 is modular and easily upgraded by replacing or adding upper level application modules. The gateway software also sets priorities for different types of communications. For example, the gateway may assign higher priority to real-time communications, such as IP-telephone service. Software downloads, for example of news items on selected topics, would have a lower priority." (emphasis added).

The passages above state that the programming in the gateway handles data communications such that the data communications are compatible with the application program interface. The programming merely supports the routing and communication protocol functions of the gateway. The programming does not translate control data received from a remote controller into commands that effectuate an action intended by the user.

For at least the foregoing reasons, *Edson* fails to disclose all of the elements of claim 9. Claim 9 is therefore believed to be allowable.

Claim 10 is reproduced here:

> Claim 10. A remote controlled system of claim 1, further comprising multiple remote controllers and multiple controlled devices, wherein the general-purpose computer is coupled to communicate with the multiple remote controllers and the multiple controlled devices to facilitate remote control of any one of the controlled devices by any one of the remote controllers.

Claim 10 recites in part multiple remote controllers for remote control of any one of multiple controlled devices. As discussed above with respect to claim 1, *Edson* does not discuss a remote controller. The closest that *Edson* comes is to say that the PC allows "monitoring and control of other devices on the network." *Edson* later discloses a browser on the PC can be used to "obtain software downloads to... the device interfaces." See *Edson* at col. 11, lines 32-33. It is clear from *Edson's* disclosure that all that *Edson* means by "control" is control of the flow of data to and from a device, and not actual control of the device.

For at least the foregoing reasons, *Edson* fails to disclose all of the elements of claim 10. Claim 10 is therefore believed to be allowable.

Turning to claim 11, claim 11 is reproduced here:

> 11. (original) A remote controlled system comprising:
>
> a first device having a user interface (UI); and
>
> a facilitator communicatively coupled to the first and a second device to facilitate remote control of the second device by the first device, the facilitator providing UI information to the first device that may be used by a user to enter control data for controlling the second device to perform an action, the facilitator translating the control data received from the first device into commands that are sent to the second device to effectuate the action intended by the user.

Claim 11 recites, in part, a first device having a UI and a facilitator coupled to the first device providing UI information to the first device that may be used to enter control data and translating the control data into commands that are sent to the second device to effectuate the action intended by the user. The Office asserts that all of the elements of claim 11 are disclosed in *Edson* in Figures 1-4, column 4, lines 36-51 and column 7, line 44 through column 8, line 11. The referenced excerpts from *Edson* have been reproduced above.

At column 4, lines 36-41, *Edson* merely indicates that the gateway controls data communications to enable in-home devices to access an in-home network or external network. At column 7, line 58 through column 8, line 11, *Edson* merely

indicates that each device connects to the physical media through a device interface. These passages do not discuss a facilitator providing UI information to a first device that may be used to enter control data and translating the control data into commands that are sent to a second device to effectuate the action intended by the user.

At column 7, lines 44-57, *Edson* states that the PC preferably can provide a user interface for monitoring devices on the network from the computer. However, *Edson* does not disclose a facilitator communicatively coupled to a first and a second device to facilitate remote control of the second device by the first device, in which the facilitator provides UI information to the first device that may be used by a user to enter control data for controlling the second device to perform an action. Furthermore, *Edson's* system does not include a facilitator for translating the control data into commands that are sent to the second device to effectuate the action intended by the user.

For at least the foregoing reasons, *Edson* fails to disclose all of the elements of claim 11. Claim 11 is therefore believed to be allowable.

Claims 12-17 each depend in some form from claim 11. Therefore, claims 12-17 are believed to be allowable for at least the same reasons as claim 11. In addition, each of claims 12-17 recites additional limitations that further distinguish them from *Edson*.

In particular, claim 16 includes limitations that are not shown in *Edson*. Claim 16 is reproduced here:

16. A remote controlled system of claim 11, wherein the UI of the first device comprises one or more input components to permit user entry of the control data, the UI information being associated with the input components so that selection of a particular input component by the user results in generation of particular control data.

The Office asserts that *Edson* discloses the elements of claim 16 in Figures 1-2; column 4, lines 36-50; column 7, lines 44-57; and column 10, lines 7-23. Figures 1-2; column 4, lines 36-50, and column 7, lines 44-57 are discussed above. None of those sections or figures discloses a UI of a first device having one or more input components to permit user entry of the control data and UI information associated with the input components so that selection of a particular input component by the user results in generation of particular control data.

Column 10, lines 7-23 of *Edson* are reproduced here:

> "The network 11 preferably connects to at least two outside networks, and at least one of those networks provides a relatively broadband grade of digital communication service. The user will subscribe to services of the two or more external networks. For the external communications, the gateway router 101 and firewall 101 connect to two or more interface cards coupled to the lines or links to the external networks, to which the user subscribes. The external network interface cards are plug-in cards that are easily selected and swapped in and out of the housing of the gateway. In this manner,

> the manufacturer can supply the number and type of cards chosen for each installation to match the user's wide area network subscriptions. In each case, however, the gateway 13 would include wide area network interface cards for at least two different external network connections. The user could add and/or remove external network interface cards as the user changes external network service subscriptions."

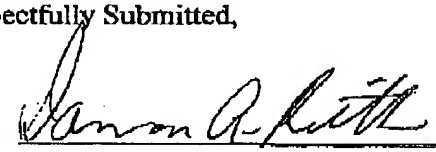
The foregoing passage discusses how *Edson's* network can connect to outside networks. The foregoing passage includes no mention of a UI that comprises one or more input components to permit user entry of the control data and UI information being associated with the input components so that selection of a particular input component by the user results in generation of particular control data. As such, claim 16 clearly recites elements that are not disclosed in *Edson*.

Conclusion

Claims 1 – 17 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Office is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,

Dated: 10/13/04

By: 

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